

U.S. Appln. No. 09/700,610
Reply to Office Action dated November 2, 2005

PATENT
450106-02405

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-24 are pending. Claims 1-3, 6, 7, 10-15 and 17-20, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification, as originally filed, and specifically on page 29. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-24 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 99/01984 to Maissel, et al. (hereinafter, merely "Maissel")¹.

¹ Applicants note that the Office Action indicates the rejection is under 35 U.S.C. § 102(b). Applicants respectfully submit that WO 99/01984 to Maissel, et al. has a publication date of January 14, 1999, and Applicants have a priority date of March 19, 1999. Therefore, Applicants presume the Office Action intended the rejection to be under 35 U.S.C. § 102(a).

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Claim 10 recites, *inter alia*:

“A transmitting and receiving apparatus...

transmitting means for transmitting the meta information, the meta information schema, the inference rule, and the content data through a transmission path when the inference rule is not stored in a receiving apparatus, and transmitting the inference rule and the content data when the inference rule is stored in the receiving apparatus...” (emphasis added)

As understood by Applicants, Maissel relates to a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information.

Applicants submit that Maissel fails to teach or suggest transmitting means for transmitting the meta information, the meta information schema, the inference rule, and the content data through a transmission path when the inference rule is not stored in a receiving apparatus, and transmitting the inference rule and the content data when the inference rule is stored in the receiving apparatus, as recited in claim 1.

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

Independent claims 1-3, 6, 7, 11-15 and 17-20 are similar in scope and are patentable for similar reasons.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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